REMARKS

Claims 1–38 remain under consideration. No new matter has been added with the amendments to the claims.

A. The Examiner objected to the drawings on several grounds and to the specification, and to claims 6-9, 13, 16, 17, 18, and 22 under 35 U.S.C. §112

The Examiner's objection to FIG. 8 was previously obviated by replacing the notation "A" with notation "AA". Withdrawal of the objection to FIG. 8 is requested.

The Examiner's objection to block 160 in FIG. 6 was previously obviated. Withdrawal of the objection to block 160 is requested.

A replacement figure obviating the Examiner's objection to FIG. 6 is attached. Withdrawal of the objection to FIG. 6 is requested.

The objection to FIG. 7 is traversed, as there is no structural detail associated with the method steps the Examiner has delineated. Indeed, the Examiner's objections illustrate that the specification and drawings contain sufficient detail that one of ordinary skill in the art is perfectly able to obtain a proper understanding of the claims.

Claim 2 has been amended to obviate the Examiner's objection.

The objection to the drawings premised on claims 11, 20, and 31 is traversed. These claimed elements are illustrated in the figures, contrary to the Examiner's allegation, inter alia, at FIG. 6, blocks 112 and 114.

The §112 objections to claim 18 is traversed. The Examiner is gently directed to MPEP §2106 where she will learn that the definiteness of language must be analyzed, not in a vacuum, but always in light of the teachings of the disclosure as it would be interpreted by one of ordinary skill in the art. There is no indefiniteness in referencing both an ECU and a RPC controller in a claim. That the objects perform similar functions is not relevant to the definiteness of the claim.

The §112 objections to claims 13 and 22 are traversed. Again, the Examiner's comments clearly indicate that one of ordinary skill in the art would find the claims definite. The Examiner is again gently directed to MPEP §2106 where she will learn that the definiteness of language must be analyzed, not in a vacuum, but always in light of the teachings of the disclosure as it would be interpreted by one of ordinary skill in the art. The Examiner's notation that this "recitation reads as if 'a rear brake pressure rate' is an object" utterly fails to state a prima facie case of indefiniteness. This is especially true in light of the Examiner's conclusion that "the brake pressure rate is simply a derivative of the brake pressure."

Withdrawal of the objections and §112 rejections is requested.

B. Claims 5-9 and 14-18 were rejected under 35 USC §102(b) as anticipated by Prior Art FIG. 1.

The §102(b) rejection of claims 5-9 and 14-18 as anticipated by FIG. 1 is traversed. In order to maintain this rejection, each and every element of the claims must be disclosed by the reference in at least as great detail as claimed.

The Examiner's response to Applicants' earlier arguments misstates the claim limitation. Claim 5 does not claim 'rear brake pressure information' – instead, claim 5 claims that the RPC controls the "rear brake circuit as a function of the rotational speed of at least one rear wheel and the rear brake pressure." Those of ordinary skill in the art are well acquainted with the difference between a pressure value and a pressure differential.

At most, FIG. 1 discloses a "differential pressure switch 24 is operatively connected to sense the difference between the pressure in the rear brake circuit 16 at the inlet of the apply valve 18, as supplied by the master cylinder 12, and the pressure in the rear brakes...." (p. 4, lines 18-21). Therefore, FIG. 1 cannot anticipate claim 5. Claims 6-9 depend directly or indirectly from claim 5 and are therefore patentable over FIG. 1 for at least the same reasons.

Similarly, the Examiner misstates the elements of claim 8, and Applicants' arguments. Claim 8 requires that the "rear brake pressure sensor is connected *in fluid communication* with the outlet of the apply valve and the inlet of the release valve." (emphasis added) As noted above, differential pressure switch 24 is connected to the inlet of the apply valve, rather than the outlet. That the pressure switch is connected to the outlet via intervening elements does not satisfy the level of detail as claimed. The pressure switch of FIG. 1 is not in fluid communication with the outlet of the apply valve and the inlet of the release valve. Therefore, claim 8 cannot be anticipated by FIG. 1 for at least this additional reason.

Additionally, claim 9 requires that the ECU is "operatively connected to the HCU, the rear brake pressure sensor, and the rear wheel speed sensor, for controlling the HCU as a function of the rear brake pressure and the rotational speed of the at least one rear wheel." First, FIG.1 discloses that the differential pressure switch 24 senses the difference in brake pressures, rather than the rear brake pressure. Second, FIG. 1 discloses that the controller uses the differential pressure, rather than the rear brake pressure. Therefore, claim 9 cannot be anticipated by FIG. 1 for at least this additional reason.

Likewise, claim 14 requires an "RPC controller for controlling the rear brake circuit as a function of the rotational speed of at least one rear wheel and the rear brake pressure." As outlined above, FIG. 1 only discloses a "differential pressure switch 24 is operatively connected to sense the difference between the pressure in the rear brake circuit 16 at the inlet of the apply valve 18, as supplied by the master cylinder 12, and the pressure in the rear brakes...." (p. 4, lines 18-21). Thus, FIG. 1 cannot anticipate claim 14, or claims 15-18 depending directly or indirectly therefrom.

Similarly, claim 15 requires a "rear brake pressure sensor for sensing rear brake pressure" rather than the disclosed differential pressure switch. Claim 17 requires that the "rear brake pressure sensor is connected in fluid communication with the outlet of the apply valve..." rather than the disclosed inlet. Claim 18 requires "controlling the HCU as a function of the rear brake pressure and the rotational speed of the at least one rear wheel," rather than the disclosed differential pressure. Therefore, claims 15, 17, and 18 are patentable over FIG. 1 for at least these additional reasons.

Withdrawal of the rejections to claims 5-9 and 14-18 is requested.

C. Claims 5 and 14 were rejected under 35 USC §102(b) as anticipated by Ferguson.

Applicants regret that the Examiner apparently did not consider their earlier remarks relating to this rejection, and repeat them herein for the Examiner's convenience.

The §102(b) rejection of claims 5 and 14 as anticipated by Ferguson is traversed. In order to maintain this rejection, each and every element of the claims must be disclosed by the reference in at least as great detail as claimed.

Claims 5 and 14 require a RPC that controls the "rear brake circuit as a function of the rotational speed of at least one rear wheel *and the rear brake pressure*." (emphasis added) In contrast, Ferguson discloses *only* controlling the brake circuit as a function of the speed of the rear wheels.

Withdrawal of the rejections to claims 5 and 14 is requested.

D. Claims 1-4, 23, 25, 32, and 37 were rejected under 35 USC §103(a) as unpatentable over King in view of FIG. 1.

The §103(a) rejection of claims 1-4, 23, 25, 32, and 37 as unpatentable over King in view of FIG. 1 is traversed. In order to maintain this rejection, each and every element of the claims must be taught or suggest by the references in at least as great detail as claimed, and there must be a motivation to combine the references.

King in view of FIG. 1 does not teach or suggest "controlling the rear brake circuit as a function of a rear brake pressure" as claimed in independent claims 1, 3, and 23. Therefore, King cannot anticipate claims 1, 3, and 23, nor claims 2, 4, 25, 32, or 37 depending directly or indirectly therefrom. Applicants note that the phrase "anti-lock" originally occurred in the preamble, and Applicants have amended claim 1 to recite "anti-lock" within the body of the claim.

With respect to claims 25 and 37, King does not disclose that the rear brake circuit is controlled "as a function of a volume available in the fluid storage device..." The Examiner does not indicate where in King such a disclosure occurs.

Withdrawal of the rejections to claims 1-4, 23, 25, 32, and 37 is requested.

F. Claims 10, 11, 19, and 20 were rejected under 35 USC §103(a) as unpatentable over Prior Art FIG. 1 in view of King

The §103(a) rejection of claims 10, 11, 19, and 20 as unpatentable over FIG. 1 in view of King is traversed. In order to maintain this rejection, each and every element of claims 10, 11, 19, and 20 must be taught or suggested, in as great detail as claimed, by the references, alone or in combination.

Claims 10 and 11 depend directly or indirectly from claim 5 and are therefore patentable over the references for at least the same reasons as claim 5 provided above. Claims 19 and 20 depend directly or indirectly from claim 14 and are therefore patentable over the references for at least the same reasons as claim 14 provided above.

Withdrawal of the rejections to claims 10, 11, 19, and 20 is requested.

G. Claims 10-12, 19-21, 23-25, 27, 32, and 37 were rejected under 35 USC §103(a) as unpatentable over Ferguson in view of King

The §103(a) rejection of claims 10-12, 19-21, 23-25, 27, 32, and 37 as unpatentable over Ferguson in view of King is traversed. In order to maintain this rejection, each and every element of claims 10-12, 19-21, 23-25, 27, 32, and 37 must be taught or suggested, in as great detail as claimed, by the references, alone or in combination.

Claims 10-12 depend directly or indirectly from claim 5 and are therefore patentable over the references for at least the same reasons as claim 5 provided above. Claims 19-21 depend directly or indirectly from claim 14 and are therefore patentable over the references for at least the same reasons as claim 14 provided above.

Claim 23 requires "rear dynamic proportioning," and neither Ferguson nor King teaches or suggests such a limitation. As noted on page 10, lines 9-19 of the specification, Ferguson does not provide *dynamic* rear proportioning, but rather uses a pre-set routine of open and hold cycles of the isolation valve that may be wasteful of the limited volume of hydraulic fluid available from the master cylinder 12, and may also result in either under or over braking of the rear wheels under conditions where the pre-set routine of open and hold cycles is not optimal for the current operating conditions being experienced by the vehicle. Specifically, Ferguson teaches that the actuation of the isolation valve may be implemented "with a pulse wave modulated signal which cyclically opens and closes the valve 32 to raise the rear brake pressure" (column 11, lines 35-38) or based on a "subroutine" (column 11, line 33) described in FIG. 10. The 'FIG. 10' subroutine provides opening and closing the isolation valve based on rear wheel slip. See, column 11, lines 12-28. The Examiner correctly does not rely on King for the teaching of rear dynamic proportioning.

Claims 24-25, 27, 32, and 37 depend directly or indirectly from claim 23 and are therefore patentable over the references for at least the same reasons.

Withdrawal of the rejections to claims 10-12, 19-21, 23-25, 27, 32, and 37 is requested.

H. Claims 26, 28-31, 33-36 and 38 were objected to as depending from rejected base claims

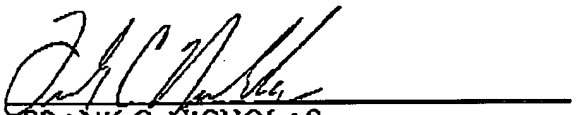
The objection to claims 26, 28-31, 33-36 and 38 is traversed, as those claims depend from allowable claims. Withdrawal of the objection to claims 26, 28-31, 33-36 and 38 is requested.

CONCLUSION

The Applicants respectfully submit that claims 1–38 fully satisfy the requirements of 35 U.S.C. §§ 102, 103, and 112. In view of the foregoing remarks, favorable consideration and passage to issue of the present application are respectfully requested.

Dated: **October 3, 2005**

Respectfully submitted,
MICHAEL J. CHECK, ET AL.



FRANK C. NICHOLAS
Registration No. 33,983
Attorney for Applicants

CARDINAL LAW GROUP
Suite 2000
1603 Orrington Avenue
Evanston, Illinois 60201
Phone: (847) 905-7111
Fax: (847) 905-7113

ANNOTATED MARKED UP DRAWINGS

5/7

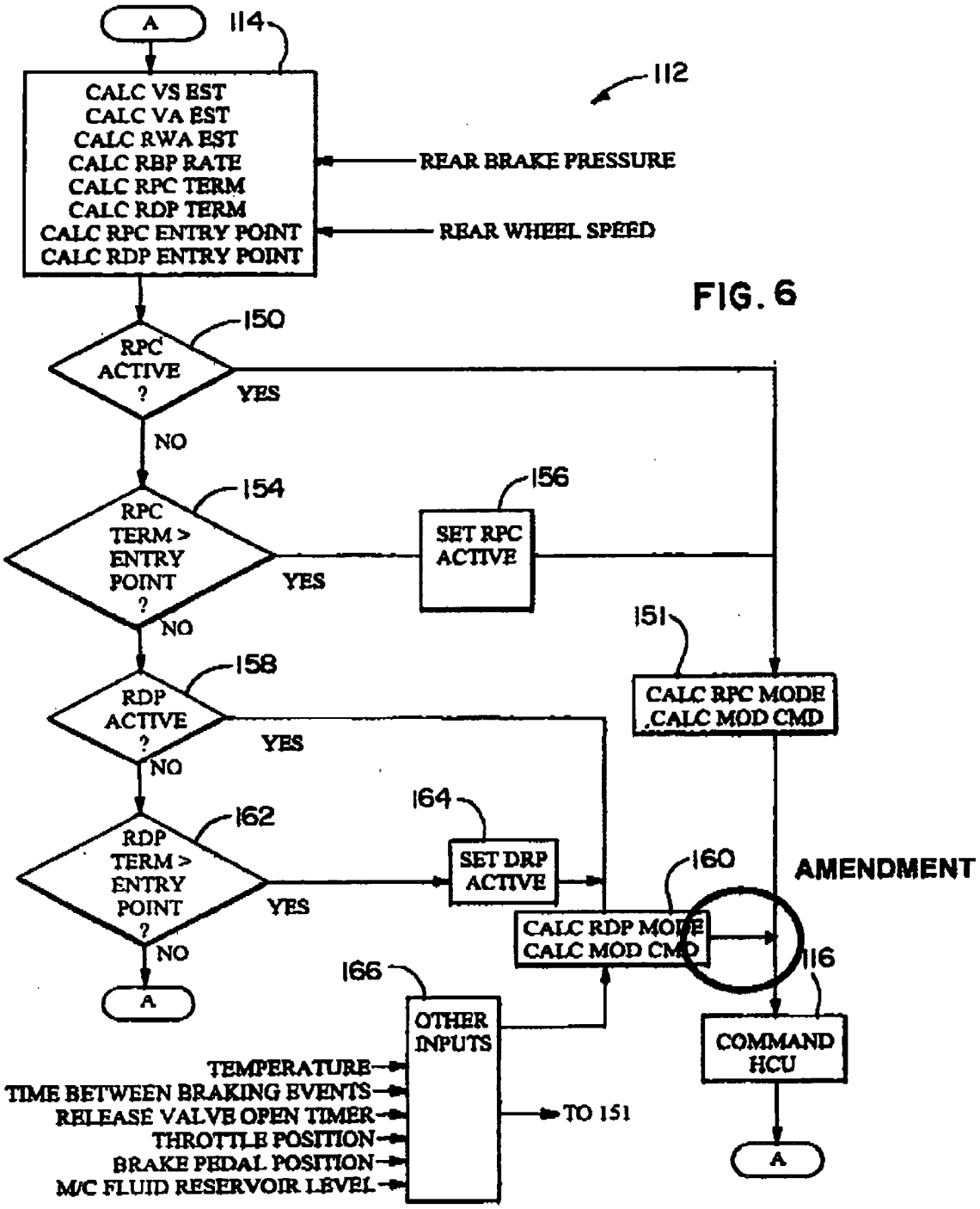


FIG. 6